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SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

Don Klima, Director
Advisory Council on Historic Preservation
Office of Planning and Review
1100 Pennsylvania Avenue, NW
Suite 809
Washington DC 20004

September 1, 2006

**Re: STB Docket No. AB – 6 (Sub-No. 433X), BNSF Railway Co. - in Clay
and Norman Counties, MN**

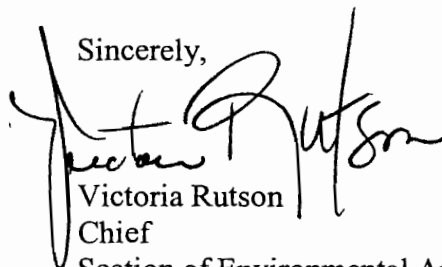
Dear Mr. Klima:

In this proceeding, BNSF Railway Co. (BNSF) filed a notice of exemption with the Surface Transportation Board (Board) seeking approval authority to abandon and discontinue service over a 5.40-mile railroad line in Clay and Norman Counties, Minnesota. The Section of Environmental Analysis (SEA) is the office within the Board responsible for conducting the environmental review process pursuant to the National Environmental Policy Act (NEPA), including the National Historic Preservation Act (16 U.S.C. 470f) (NHPA).

I am writing to notify you that SEA has executed a Memorandum of Agreement (MOA) with the Minnesota Historical Society (State Historic Preservation Office or SHPO) and BNSF to resolve any adverse effects to historic properties for the proposed undertaking pursuant to 36 CFR 800.6(b)(i)(iv). An original signed MOA is included for your files, and the filing of this document with the Council completes our compliance responsibilities under Section 106 of the NHPA.

If you have any questions or require any additional information, please do not hesitate to contact me or Christa Dean at (202) 565-1606. Thank you for all your help in this matter.

Sincerely,



Victoria Rutson

Chief

Section of Environmental Analysis

Attachments

cc: Dennis Gimmestad, SHPO
Sidney Strickland, BNSF

MEMORANDUM OF AGREEMENT

BETWEEN THE SURFACE TRANSPORTATION BOARD, THE BNSF RAILWAY COMPANY, AND THE MINNESOTA HISTORICAL SOCIETY

REGARDING AB-6 (SUB-NO 433X) BNSF RAILWAY COMPANY - ABANDONMENT EXEMPTION - IN CLAY AND NORMAN COUNTIES, MINNESOTA

WHEREAS, on February 16, 2006, BNSF Railway Company (BNSF) filed a notice of exemption with the Surface Transportation Board (Board) under 49 CFR 1152 Subpart F – Exempt Abandonments to abandon an approximately 5.4-mile rail line between BNSF milepost 15.60 and BNSF milepost 21.00, in Clay and Norman Counties, Minnesota, in STB Docket No. AB-6 (Sub-No. 433X); and

WHEREAS, in a decision served on April 6, 2006, the Board imposed a condition for the proposed abandonment that requires BNSF to retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or that are listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA), has been completed. In addition, the Board made it clear that BNSF must not file its consummation notice or initiate any salvage activities related to abandonment until the Section 106 process has been completed and the Board has removed this condition; and

WHEREAS, based on consultation with the Minnesota Historical Society (State Historic Preservation Office or SHPO), the Board's Section of Environmental Analysis (SEA) determined that the line is eligible for the National Register of Historic Places (National Register); and

WHEREAS, the Board has consulted with the SHPO, pursuant to 36 CFR Part 800, regulations implementing Section 106 of the NHPA, and has determined that the proposed abandonment will have an effect on the above mentioned historic resource, which is either listed in or eligible for listing in the National Register; and

WHEREAS, the Board has consulted with the SHPO and BNSF pursuant to Section 36 CFR 800.6 regarding ways to avoid, minimize, or mitigate effects to the historic resource as a result of the abandonment and disposition of BNSF's assets and all have determined that no such measures are necessary;

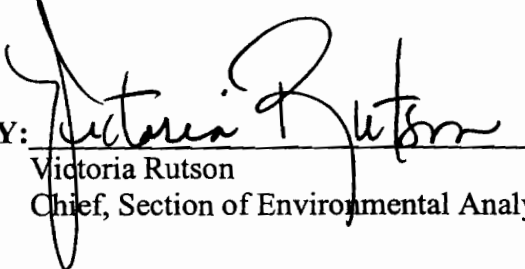
NOW THEREFORE, the Board, BNSF, and SHPO agree that the execution of this Memorandum of Agreement (MOA) by the parties hereto and its subsequent submission to the Advisory Council on Historic Preservation (Council) in accordance with 36 CFR 800.6(b)(1)(iv), shall, pursuant to 36 CFR 800.6(c), be considered to be an agreement

with the Council for the purposes of Section 110(1) of the NHPA. Execution and submission of the MOA, and implementation of its terms, evidences that the Board has afforded the Council an opportunity to comment on the proposed action relating to the line, and that the Board has taken into account the effects of the abandonment on historic properties and is satisfying the requirements of Section 106 of the NHPA.

ACCEPTED AND AGREED

SIGNATORY PARTIES:

SURFACE TRANSPORTATION BOARD

BY: 
Victoria Rutson
Chief, Section of Environmental Analysis

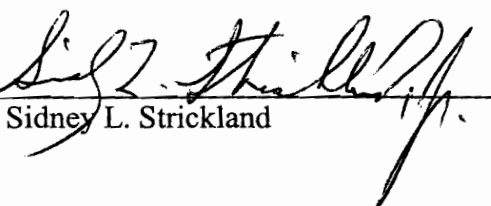
DATE: August 4, 2006

MINNESOTA HISTORICAL SOCIETY

BY: 
Kevin M. Archabal
State Historic Preservation Officer

DATE: August 22, 2006

THE BNSF RAILWAY COMPANY

BY: 
Sidney L. Strickland

DATE: August 4, 2006